Remarks

Pursuant to 35 U.S.C. 120, Applicants hereby claim the benefit of the filing date as a continuation-in-part of U.S. Application 08/774,154 (filed December 26, 1996) now U.S. patent 5,905,027 in the above-identified U.S. application. Applicants note these two applications have at least one common inventor, Harald W. Sontheimer. Applicants also note that the two applications were co-pending because the continuation-in-part application was filed on April 21, 1999 prior to the issuance of U.S. Patent 5,905,027 on May 18, 1999.

The foregoing amendment is made to comply with the statutory requirements under 37 C.F.R. 1.78(a)(iv)(2). In addition, Applicants submit a substitute inventor declaration that correctly indicates the claim for priority under 35 U.S.C. 120. Applicants respectfully request that the application be amended so that the priority information is correct on the face of any patent to issue from this application.

Applicants respectfully submit that the disclosure in the present continuation-in-part application is, in part, for an invention that was also disclosed in earlier filed U.S. application 08/774,154. Specifically, the earlier filed application and the present continuation-in-part application both contain methods for diagnosing and treating malignant gliomas using chlorotoxin.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 12, 2002**
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